

CHAPTER 647

(House Bill 203)

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2008

FOR the purpose of adding Wicomico County to the list of counties that authorize the holder of a Class 6 pub–brewery license to sell malt beverages for off–premises consumption in sealed refillable containers; adding Wicomico County to the list of counties that are authorized to issue a Class 7 micro–brewery (on– and off–sale) license; creating a Class B special wine license for the sale of wine for consumption off the premises; specifying certain requirements for applicants for and holders of the Class B special wine license; specifying a fee and hours of sale; specifying a maximum alcohol content for wine sold under the Class B special wine license; authorizing the Board of License Commissioners to adopt certain regulations; authorizing the Board to issue a special Class C beer, beer and wine, or beer, wine and liquor license; specifying the privileges, application requirements, fee, days of use, and other requirements for holders of the special Class C licenses; adding Wicomico County to the list of counties that, on the death of a licensee, shall issue a new license under certain circumstances to the surviving spouse, partners, or senior officer without the necessity of further proceedings for the balance of the current license year; ~~authorizing a holder of a Class 6 pub–brewery license or a Class 7 micro–brewery license to have or hold a financial interest in certain retail alcoholic beverages licenses~~ the Board of License Commissioners to issue a Class 6 pub–brewery license or a Class 7 micro–brewery license to a holder of not more than a certain number of Class B beer, wine and liquor licenses under certain circumstances and subject to certain conditions and limitations; and generally relating to alcoholic beverages licenses in Wicomico County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–207(g), 2–208(b), ~~9–102(k)~~, and 10–506(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–208(a) and 6–201(x)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article 2B – Alcoholic Beverages
Section 6–201(x)(4), 7–101(w), and 12–104(e)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 2B – Alcoholic Beverages

2–207.

(g) (1) This subsection applies only in the following jurisdictions:

- (i) City of Annapolis;
- (ii) Anne Arundel County;
- (iii) Baltimore City;
- (iv) Baltimore County;
- (v) Calvert County;
- (vi) Charles County;
- (vii) Harford County;
- (viii) Prince George’s County; [and]
- (ix) Talbot County; **AND**
- (x) WICOMICO COUNTY.**

(2) The holder of a Class 6 pub–brewery license may sell malt beverages for off–premises consumption in sealed refillable containers.

(3) The containers may be returned and at the time of refill shall be sealed by the pub–brewery licensee.

(4) A holder of a Class 6 pub–brewery license may not sell malt beverages to any retail alcoholic beverages licensee in this State for the purpose of a subsequent sale or distribution of that malt beverage under the retail license.

2–208.

(a) There is a Class 7 micro–brewery (on– and off–sale) license.

(b) The license shall be issued:

(1) By the State Comptroller;

(2) Only in the following jurisdictions:

(i) Allegany County;

(ii) Baltimore City;

(iii) Baltimore County;

(iv) The City of Annapolis;

(v) Anne Arundel County;

(vi) Calvert County;

(vii) Carroll County;

(viii) Charles County;

(ix) Dorchester County;

(x) Frederick County;

(xi) Garrett County;

(xii) Harford County;

(xiii) Howard County;

(xiv) Montgomery County;

(xv) Prince George’s County; [and]

(xvi) Talbot County; **AND**

(xvii) WICOMICO COUNTY;

(3) (i) Only to a holder of a Class B beer, wine and liquor (on–sale) license that is issued for use on the premises of a restaurant located in a jurisdiction listed in paragraph (2) of this subsection; or

(ii) To a holder of a Class D alcoholic beverages license that is issued for use on the premises of the existing Class D license if the premises are located in the 22nd Alcoholic Beverages District of Prince George's County; and

(4) In addition to item (3) of this subsection, in Montgomery County only to a holder of a Class H beer and light wine license that is issued for use on the premises of a restaurant located in the County.

6-201.

(x) (1) This subsection applies only in Wicomico County.

(4) (I) THERE IS A CLASS B SPECIAL WINE (B-SWL) (OFF-SALE) LICENSE.

(II) A HOLDER OF A LICENSE UNDER THIS PARAGRAPH MAY SELL WINE FOR CONSUMPTION OFF THE LICENSED PREMISES.

(III) 1. THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A LICENSE UNDER THIS PARAGRAPH ONLY TO A HOLDER OF A CLASS B BEER, WINE AND LIQUOR (7-DAY) (ON-SALE) LICENSE THAT IS ISSUED FOR A RESTAURANT.

2. THE TERM OF A LICENSE UNDER THIS PARAGRAPH THAT IS ISSUED TO A SUCCESSFUL APPLICANT SHALL BE THE SAME AS THAT OF THE CLASS B BEER, WINE AND LIQUOR LICENSE HELD BY THE APPLICANT.

(IV) A HOLDER OF A LICENSE UNDER THIS PARAGRAPH AT A MINIMUM SHALL OFFER FOR SALE 5 DAYS PER WEEK:

1. BREAKFAST AND LUNCH;

2. BREAKFAST AND DINNER; OR

3. LUNCH AND DINNER.

(V) THE MEALS SHALL BE DESCRIBED IN A PRINTED MENU.

(VI) THE AREA USED FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES SHALL OCCUPY AT LEAST 80% OF THE TOTAL SQUARE FOOT AREA OF THE LICENSED PREMISES.

(VII) AN APPLICANT FOR A LICENSE UNDER THIS PARAGRAPH SHALL COMPLETE THE FORM THAT THE BOARD OF LICENSE COMMISSIONERS PROVIDES.

(VIII) ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS FOR A LICENSE UNDER THIS PARAGRAPH ARE THE SAME AS THOSE FOR OTHER CLASS B LICENSES.

(IX) THE ANNUAL LICENSE FEE IS \$1,500.

(X) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER PARAGRAPH (2)(IV)1D OF THIS SUBSECTION.

(XI) SUBJECT TO SUBPARAGRAPH (XII) OF THIS PARAGRAPH, THE HOURS FOR SALE FOR A LICENSE UNDER THIS PARAGRAPH ARE:

1. 10 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY; AND
2. 12:30 P.M. TO MIDNIGHT ON SUNDAY.

(XII) A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF A LICENSE UNDER THIS PARAGRAPH ONLY IF THE LICENSED PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT.

(XIII) WINE SOLD UNDER A LICENSE UNDER THIS PARAGRAPH SHALL HAVE A MAXIMUM ALCOHOL CONTENT OF 15.5%.

(XIV) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING A LIMIT ON THE NUMBER OF LICENSES TO BE ISSUED.

7-101.

(W) (1) THIS SUBSECTION APPLIES ONLY IN WICOMICO COUNTY.

(2) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL CLASS C BEER, BEER AND WINE, OR BEER, WINE AND LIQUOR LICENSE.

(II) A SPECIAL LICENSE ENTITLES THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THAT CLASS OF LICENSE AT

A BONA FIDE ENTERTAINMENT EVENT HELD BY A FIRE DEPARTMENT IN THE COUNTY.

(3) AN APPLICANT FOR A SPECIAL LICENSE SHALL SIGN AND SUBMIT TO THE BOARD OF LICENSE COMMISSIONERS AN APPLICATION IN THE FORM THAT THE BOARD PROVIDES.

(4) THE ANNUAL FEE FOR A SPECIAL LICENSE IS:

(I) \$400, FOR NOT MORE THAN 10 DAYS;

(II) \$800, FOR AT LEAST 11 BUT NOT MORE THAN 20 DAYS;

(III) \$1,000, FOR AT LEAST 21 BUT NOT MORE THAN 30 DAYS;

AND

(IV) \$1,100, FOR AT LEAST 31 BUT NOT MORE THAN 40 DAYS.

(5) THE TOTAL NUMBER OF DAYS DURING WHICH A SPECIAL LICENSE MAY BE USED MAY NOT EXCEED 40 IN A CALENDAR YEAR.

(6) A LICENSE HOLDER SHALL NOTIFY THE BOARD OF LICENSE COMMISSIONERS IN WRITING AT LEAST 7 DAYS BEFORE EACH DAY WHEN THE LICENSE IS TO BE USED.

(7) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE ONLY ONE MULTIPLE EVENT LICENSE TO A LICENSE HOLDER IN A LICENSED YEAR.

(8) THIS SUBSECTION DOES NOT PREVENT A FIRE DEPARTMENT FROM OBTAINING A SINGLE EVENT SPECIAL CLASS C LICENSE AUTHORIZED ELSEWHERE UNDER THIS SECTION.

(9) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

9-102.

(k) The provisions of subsections (a) and (a-1) of this section do not apply to licenses issued under:

(1) § 6-201 of this article if: [(1) the]

(I) THE resident applicant has been a resident of Wicomico County for at least two years prior to the application[, and (2) the]; and

(II) THE minimum capital investment in the premises is at least \$200,000 or the premises have a fair market value of at least \$200,000; OR

(2) § 12-104(E)(5) OF THIS ARTICLE.

10-506.

(b) Notwithstanding any provisions to the contrary in this article, upon the death of any married licensee, or upon the death of any licensee holding that license for the benefit of a partnership or corporation, upon application to the Comptroller or local licensing board, as the case may be, that granted the license, a new license shall be issued to the surviving spouse, the surviving partners for the benefit of the partnership, or the senior surviving officer for the benefit of the corporation without the necessity of any further proceedings for the balance of the current license year. A renewal license may be issued to the surviving spouse or to the surviving members of a partnership or corporation, if they qualify to hold license under this article. The provisions of this subsection apply only in the following subdivisions:

- (1) Anne Arundel County;
- (2) Baltimore County;
- (3) Baltimore City;
- (4) Caroline County;
- (5) Charles County;
- (6) Dorchester County; [and]
- (7) Prince George's County; AND
- (8) **WICOMICO COUNTY.**

12-104.

(e) (5) (I) **THIS PARAGRAPH APPLIES ONLY IN WICOMICO COUNTY.**

~~(II) SUBJECT TO THE APPROVAL OF THE BOARD OF LICENSE COMMISSIONERS, IN ADDITION TO THE RETAIL LICENSE REQUIRED UNDER § 2-207 OR § 2-208 OF THIS ARTICLE, A CLASS 6 PUB BREWERY LICENSEE OR A CLASS 7 MICRO BREWERY LICENSEE MAY HOLD OR HAVE A FINANCIAL INTEREST IN RETAIL ALCOHOLIC BEVERAGES LICENSES THAT DO~~

~~NOT APPLY TO PREMISES TO WHICH A CLASS 6 PUB-BREWERY LICENSE OR CLASS 7 MICRO-BREWERY LICENSE APPLIES.~~

(II) SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE ONE CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT NOT BOTH, TO A PERSON THAT HOLDS NOT MORE THAN THREE CLASS B BEER, WINE AND LIQUOR LICENSES.

(III) A CLASS 6 PUB-BREWERY LICENSE OR A CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY BE ISSUED ONLY FOR A LOCATION IN AN ENTERPRISE ZONE IN THE CITY OF SALISBURY.

(IV) A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY SELL BEER FOR OFF-PREMISES CONSUMPTION ONLY TO A WHOLESALER LICENSED UNDER THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, May 22, 2008.